

## **REMARKS**

Claims 1-37 are pending. Claims 24-37 were previously withdrawn. Claims 1, 15 and 24 were previously amended in Applicants' February 11, 2009 Amendment/Reply ("Applicants' February 11<sup>th</sup> Reply"). No new matter was added as previously presented in Applicants' February 11<sup>th</sup> Reply.

### **1. Elected and Examined Subject Matter**

Again, Applicants thank the United States Patent and Trademark Office ("the Office") for examining the elected subject matter, and acknowledge the Office has expanded the examination beyond the elected subject matter to the provisionally elected subject matter. See Applicants' February 11<sup>th</sup> Reply.

#### **a. Claims 1-4, 6-7, 10, 12, 15, 17-18, and 21-23**

The Office has provisionally objected to claims 1-4, 6-7, 10, 12, 15, 17-18, and 21-23, for containing elected and non-elected subject matter. See page 6 of the Final Office Action. However, Applicants respectfully offer that the objection is moot since the non-elected subject matter examined is novel as discussed in Applicants' February 11<sup>th</sup> Reply. As previously presented then, Applicants will consider amending the claims with respect to non-examined, non-elected subject matter if the claims are deemed allowable otherwise.

### **2. Claims are Novel**

#### **a. Claims 1-4, 6, 10, 12, 17, 21 and 23**

The Office has rejected claims 1-4, 6, 10, 12, 17, 21 and 23 under 35 U.S.C. 102(b) for allegedly being unpatentable over International Application Publication No. WO2000/017190 by Auvin *et al.*, which has a U.S. equivalent – namely, U.S. Patent No. 6,653,312 (hereinafter referred to together as, "the '190 publication", unless specifically noted otherwise). Applicants traverse the rejection and respectfully request it be reversed for the reasons put forth in Applicants' February 11<sup>th</sup> Reply. See Applicants' February 11<sup>th</sup> Reply.

#### **b. Claims 2-4, 6-7, 10, 12, 15, 17-18, and 21-23**

The Office has objected to claims 2-4, 6-7, 10, 12, 15, 17-18, and 21-23 for being dependent on rejected claim 1. Because of the reasons put forth in Applicants' February 11<sup>th</sup>

Reply, claim 1 is novel and the rejection of claim 1 should be reversed. Accordingly, this objection also should be reversed.

### **3. Conclusion**

Because of the foregoing, the instant claimed compounds are novel and believed in condition for allowance. Early reconsideration and allowance of all pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any fee or credit to Deposit Account No. 503201. The Office is requested to contact the undersigned if an interview would facilitate allowance of the claims.

Respectfully submitted,

**Lundbeck Research USA, Inc.**  
215 College Road  
Paramus, New Jersey 07652  
(201) 261-1331 Ext. 790

/Margaret M. Buck, Reg. #54,010/

Margaret M. Buck, Esq.  
Registration No. 54,010